

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION

Demetria Latrice Ervin,)	C/A No. 0:15-917-JFA-PJG
)	
Plaintiff,)	
)	
v.)	ORDER
)	
Agape Senior,)	
)	
Defendant.)	
_____)	

This is a civil action filed by a *pro se* litigant. (ECF No. 1.) Under Local Civil Rule 73.02(B)(2) (D.S.C.), pretrial proceedings in this action have been referred to the assigned United States Magistrate Judge.

The defendant has filed a motion to dismiss the Complaint, which indicates that Plaintiff has incorrectly identified the defendant in this action as Agape Senior.¹ (ECF No. 34 at 6.) The defendant states that Agape Senior is a marketing name and that Ebenezer Senior Services, LLC, is Plaintiff's former employer and the actual target of this lawsuit. (*Id.*) Therefore, Plaintiff is directed below to amend her Complaint to reflect the proper defendant and to provide service documents for Ebenezer Senior Services, LLC.

TO DEFENDANT:

The defendant is directed to advise the court whether it will agree to accept service of an Amended Complaint and amended summons in this case. If the defendant agrees to accept service of the amended documents, it must file a waiver of service to "avoid unnecessary expenses of serving the summons." Fed. R. Civ. P. 4(d).

TO PLAINTIFF:

Under General Order *In Re: Procedures in Civil Actions Filed by Non-Prisoner Pro Se Litigants*, No. 3:07-mc-5015-JFA (D.S.C. Sept. 18, 2007), the undersigned is giving Plaintiff ***twenty-one (21) days*** from the date this order is entered (plus three days for mail time) to:

¹ The defendant's motion to dismiss (ECF No. 34) is recommended for denial in a Report and Recommendation issued in this case.

1) Submit an Amended Complaint reflecting the proper defendant, Ebenezer Senior Services, LLC. Briefly state the facts of your claim against this defendant, in the “statement of claims” section, and what relief you request. A blank complaint form is attached for Plaintiff’s use.

2) Complete a summons form for Ebenezer Senior Services, LLC. In the space following “TO: (Defendant’s name and address),” Plaintiff is required to provide a complete name and a full address where the defendant can be served pursuant to Rule 4 of the Federal Rules of Civil Procedure. **Plaintiff’s complete name and full address must be provided** in the blank section following “plaintiff or plaintiff’s attorney, whose name and address are.” Handwritten information must be printed and legible. **Nothing else should be written by Plaintiff on either the front or back of the summons or in the margins.** A blank summons form is attached for Plaintiff’s use.

3) Complete, sign, and return a Form USM-285 for Ebenezer Senior Services, LLC. **Only one defendant’s name and street address should appear on each form.** The defendant’s complete name and **street** address should be placed in the spaces preceded by the words, “SERVE AT.” Plaintiff’s name and address should be placed in the space designated, “SEND NOTICE OF SERVICE COPY TO . . .,” and Plaintiff should sign where the form requests, “Signature of Attorney or other Originator” Plaintiff must provide the defendant’s complete **street** address on the form (**not a post office box address**). Plaintiff must provide, and is responsible for, information sufficient to identify the defendant on the Form USM-285. The United States Marshal cannot serve an inadequately identified defendant, and unserved defendants may be dismissed as parties to this case. A blank form is attached for Plaintiff’s use.

Plaintiff must place the civil action number listed above (C/A No. 0:15-917-JFA-PJG) on any document provided to the court pursuant to this order. **Any future filings in this case must be sent to the address below (901 Richland Street, Columbia, South Carolina 29201).** All documents requiring Plaintiff’s signature shall be signed with Plaintiff’s full legal name written in Plaintiff’s own handwriting. *Pro se* litigants shall *not* use the “s/typed name” format used in the Electronic Case Filing System. In all future filings with this court, Plaintiff is directed to use letter-sized (8½ inches by 11 inches) paper only, to write or type text on one side of a sheet of paper only and not to write or type on both sides of any sheet of paper. Plaintiff is further instructed not to write to the edge of the paper, but to maintain one inch margins on the top, bottom, and sides of each paper submitted.

TO THE CLERK OF COURT:

The Clerk of Court shall mail a copy of this order and the documents listed above to Plaintiff.

IT IS SO ORDERED.



Paige J. Gossett
UNITED STATES MAGISTRATE JUDGE

August 3, 2015
Columbia, South Carolina